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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding	A-6284	4646

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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LAWRENCEVILLE, GA 30044

EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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01/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

## Office Action Summary

Application No.

09/518,041

Applicant(s)

JERDING ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 121-136 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 121-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 10/31/2007. Claims **121-136** are pending. Claims **1-120** are canceled. Claims **121-136** are new.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **121** and **129**, filed 10/31/2007, have been considered, but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **121-136** are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. in view of Rowe et al.

Referring to claims **121** and **129**, LaJoie et al. discloses a set-top terminal (STT)/method comprising:

- memory configured to store an interactive program guide (IPG) (col. 13, l. 39-56), the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed (col. 23, l. 44-67; col. 24, l. 1-51 & Fig. 16); and
- a processor in communication with the memory, the processor configured to control the IPG to display the program information (col. 13, l. 22-35);
- wherein the processor is further configured to receive an arrangement instruction from a viewer to display the program information in one of at least two views including at least a first view and a second view (Time, Theme, and Title of the Browse by menu)(col. 26, l. 27-47 & Figs. 16, 19),
  - o wherein the first view (Time mode) includes television program titles arranged in columns corresponding to sequential broadcast times and in rows corresponding to sequential channels (col. 23, l. 44-67; col. 24, l. 1-51; & Fig. 16), and

- o wherein the second view (Theme or Title modes) includes television program titles arranged in rows corresponding to sequential broadcast times (col. 26, l. 48-67; col. 27, l. 67; col. 28, l. 40; & Figs. 20, 22); and
- wherein the processor is further configured to, responsive to receiving an activation instruction from a viewer, change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information (col. 25, l. 61-67 & Figs. 16, 18).

LaJoie et al. does not disclose, in response to an activation instruction from the viewer, changing the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information in a view corresponding to the received arrangement instruction. Rowe et al. discloses allowing a user to browse through programming information using browsing category and subcategory tiles (col. 9, l. 45-65). Rowe et al. further discloses saving the settings for the category and subcategory displays, such that the viewing session arrangement is saved for use the next time the user activates the program schedule system (col. 17, l. 60-67; col. 18, l. 13; & Fig. 10). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the mode settings of LaJoie et al., such that they are saved when the user exists the program guide session, such as that taught by Rowe et al. in order to provide a highly intuitive user interface for a programming guide system to support a simple and convenient selection of desired programming information (Rowe et al. col. 4, l. 48-51).

Referring to claims **122** and **130**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 121 and 129, respectively, wherein the memory receives the program information from a server (LaJoie et al. col. 14, l. 13-18; col. 16, l. 10-67; & col. 17, l. 1-15).

Referring to claims **123** and **131**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 121 and 129, respectively, wherein the first view further includes a column of channel names and channel numbers (LaJoie et al. col. 24, l. 9-13 & Fig. 16).

Referring to claims **124** and **132**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 121 and 129, respectively, wherein the processor is further configured to provide an option to a viewer on the IPG view to provide the arrangement instruction (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 17, 19-23).

Referring to claims **125** and **133**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 121 and 129, respectively, wherein the processor is further configured to enable the viewer to select an option to display the last IPG view that was in effect at the time of exit from an IPG view when the display screen has been changed from the IPG view back to the program view predominantly showing a television program (the examiner notes that the combination of LaJoie et al. and Rowe et al. teaches saving the mode of the last program guide session. By re-activating the guide, the previously settings will be restored)(LaJoie et al. col. 25, l. 61-66 & Fig. 18).

Referring to claims **126** and **134**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 121 and 129, respectively, wherein, in response to receiving the arrangement instruction, the processor is further configured to display the program information

in one of at least three views including at least a time view, a theme view, and a title view (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 19, 20, 22).

Referring to claims **127** and **135**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 126 and 134, respectively, wherein the processor is further configured to enable the viewer to select an option to initially display a menu within the at least three views, the menu enabling the user to select the time view, theme view, or title view (LaJoie et al. col. 26, l. 27-47 & Figs. 16, 29, 20, 22).

Referring to claims **128** and **136**, the combination of LaJoie et al. and Rowe et al. teaches the STT/method of claims 127 and 135, respectively, wherein the processor is further configured to enable the viewer to select an option to disable the display of the menu (LaJoie et al. col. 26, l. 23-26).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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